

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK BANKS,	)	
	)	
Plaintiff,	)	Civil Action No. 13 – 129
	)	
v.	)	Chief District Judge Gary L. Lancaster/
	)	Chief Magistrate Judge Lisa Pupo Lenihan
RENEWAL INC., AARON, PAUL	)	
(DOE), MARK BROWN, FEDERAL	)	
BUREAU OF PRISONS, and JAMAL	)	
THOMAS,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lisa Pupo Lenihan on February 11, 2013 (ECF No. 7), recommending that Plaintiff's Motion to Proceed *in forma pauperis* (ECF No. 2) be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full filing fee in the amount of \$350.00 within thirty (30) days. Plaintiff was served with the Report and Recommendation at his listed address and informed that he had until February 28, 2013, to file written objections. No objections were filed.

Therefore, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, **IT IS HEREBY ORDERED**, this   4   day of March, 2013, that Plaintiff's Motion to Proceed *in forma pauperis* (ECF No. 2) is **DENIED** in accordance with 28 U.S.C. § 1915(g) and this case is dismissed for Plaintiff's failure to pay the filing fee.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 7) dated February 11, 2013, is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of the Court mark this case **CLOSED**. Plaintiff may reopen this case by paying the full filing fee in the amount of \$350.00 within thirty (30) days of the date of this Order.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. L. Lancaster", written over a horizontal line.

Hon. Gary L. Lancaster,  
Chief United States District Judge

cc: Hon. Lisa Pupo Lenihan,  
Chief United States Magistrate Judge

Frederick Banks, #05711-068  
Northeast Ohio Correctional Center  
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